

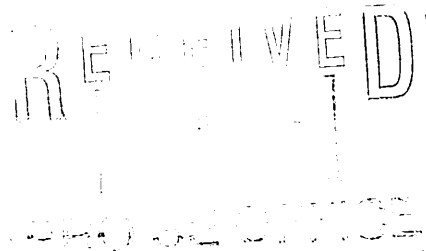
Brian Dudley  
DIN #17-A-1715  
Franklin Correctional Facility  
62 Bare Hill Road, P.O. Box 10  
Malone, New York 12953

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUN 3 2019 ★

BROOKLYN OFFICE

May 25, 2019

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201



RE: 16-CV-3639 (AMD) (LB)

Dear Judge Donnelly:

In response to the United States District Court, Eastern District of New York memorandum dated April 8, 2019, received on April 11, 2019, titled Memorandum Decision and Orders. It hereby states as follow:

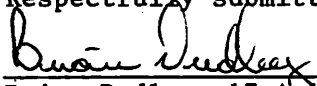
"On April 1, 2019, the defendants moved for a pre-motion conference seeking leave to file a motion to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure. (ECF No. 17). As set forth in my Individual Practices and Rules, pre-motion conference request are not required in actions where 'one or more of the parties does not have legal counsel.' Defendant Cabey's motion to dismiss is due by April 26, 2019, the plaintiff's opposition to the motion is due by May 27, 2019, and the defendant's reply, if any, is due by June 10, 2019. (pg. 8)."

Heretofore, I have not received a copy of Defendant Cabey's motion to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure. (ECF No. 17). Therefore, I could not prepare and submit my opposition to Defendant's motion. Furthermore, I have no way of knowing what this Court relied on in making its decision. This places me at a severe disadvantage in presenting a good argument before this Court. Surely, this Court can not conclude that the copy of defendant's motion is "not only noncritical but, as a matter of law, unnecessary."

Consequently, to my discretion I plead with this Court that Defendant Cabey's motion to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure(ECF No. 17) be denied.

Thank you, in advance, for the Court's time and consideration in this matter.

Respectfully submitted,

  
\_\_\_\_\_  
Brian Dudley, 17-A-715  
Plaintiff

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK     )  
                                  ss.:  
COUNTY OF FRANKLIN    )

I, Brian Dudley, DIN: 17-A-1715, being duly sworn, deposes and say:

That I have on this 29<sup>th</sup> day of May, 2019, placed and submitted true and exact copies of the following document(s) Letter to the Court in the Institutional Mail Box at Franklin Correctional Facility, 62 Bare Hill Road, P.O. Box 10, Malone, New York 12953, in pre-paid envelopes, to be duly mailed via the U.S. Postal Service, addressed to the following parties:

Office of the County Attorney  
Stephen Carlin  
1 West Street  
Mineola, New York 11501

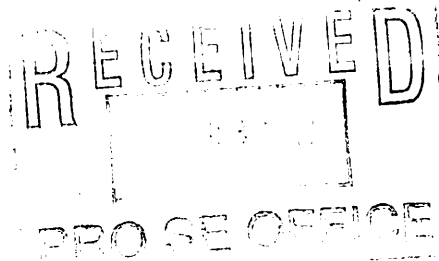
Respectfully submitted,

Brian Dudley  
Brian Dudley, 17-A-1715  
Franklin Correctional Facility  
62 Bare Hill Road, P.O. Box 10  
Malone, New York 12953

Sworn to before me this  
29<sup>th</sup> day of May, 2019

Heather St. Hilaire-Bobbie  
Notary Public

HEATHER ST.HILAIRE-BOBBIE  
NOTARY PUBLIC, STATE OF NEW YORK  
NO.01ST6246547  
QUALIFIED IN FRANKLIN COUNTY  
COMMISSION EXPIRES AUGUST 8, 2019



**FRANKLIN CORRECTIONAL FACILITY**

62 BARE HILL ROAD, P.O. BOX 10

MALONE, NEW YORK 12953

NAME: Brian Dudley DIN: 17-A-1715

FRANKLIN



CORRECTIONAL FACILITY

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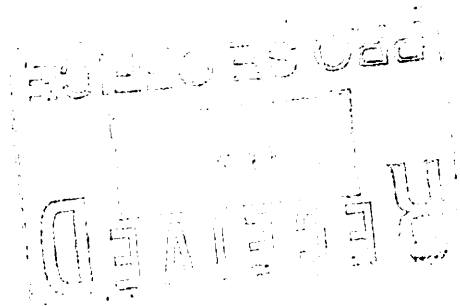
05/30/2019

**US POSTAGE**

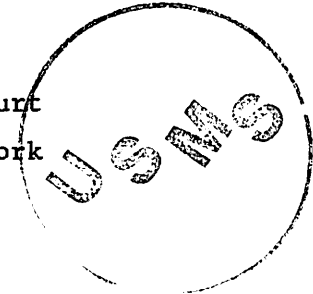
**\$000.50<sup>0</sup>**



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United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201



LEGAL MAIL

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